

DOCKET NO.: MOR-0277

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Nicholas C. Nicolaides, Luigi Grasso,

Philip M. Sass

Confirmation No.: 5311

Application No.: 10/813,502

Group Art Unit: 1633

Filing Date: March 30, 2004

Examiner: Ileana Popa

For: Method For Generating Genetically Altered Antigens

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT

The owner, **Morphotek, Inc.**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. **6,737,268**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all

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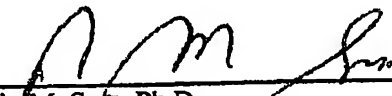
☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

☒ The required statement under 37 CFR § 3.73(b) is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

☐ The undersigned is an attorney of record.

Date: 16 March 06


Philip M. Sass, Ph.D.
Executive Vice President & Chief
Operating Officer

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

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In Re Application of:

Nicholas C. Nicolaides, Luigi Grasso,

Philip M. Sass

Application No.: 10/813,502

Filing Date: March 30, 2004

Patent No.: 6,737,268

Issued: May 18, 2004

For: Method For Generating Genetically Altered Antigens

EXPRESS MAIL LABEL NO: EV 631246889 US
DATE OF DEPOSIT: March 17, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 CFR § 3.73(b)

Morphotek, Inc., a Delaware Corporation,

states that it is:

☒ the assignee of the entire right, title, and interest; or

☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.

☒ 1. The assignment was recorded in the Patent and Trademark Office at Reel 011647, Frame(s) 0885.

☐ 2. The assignment has not yet been recorded. A copy of the assignment is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Date: 16 MARCH 06


Signature
Name: Philip M. Sass, Ph.D.
Title: Executive Vice President & Chief
Operating Officer

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia, PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439

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